

REMARKS

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I. Introduction

Claims 1 to 12 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Objection to the Drawings

The drawings were objected to because (i) the leftmost reference number for the support 4 allegedly does not point to the support 4 and (ii) reference number 5 is allegedly pointing at support 4. Further, the Final Office Action indicated that arrows indicating the direction of the deformation that occurs under the compression force would clarify the drawings. Applicant respectfully submits that the Figure 1, as amended, overcomes the objection to the drawings. Figure 1 has been amended such that the lead lines for the left most reference 4 and the squeeze basket 5 are more accurately directed. Further, arrows, labeled A, have been added to indicate the direction the spring elements move when compressed. Therefore, withdrawal of the objection to the drawings is respectfully requested.

III. Rejection of Claims 1 to 5, 7 and 9 to 12 Under 35 U.S.C. § 102(b)

Claims 1 to 5, 7 and 9 to 12 were rejected under 35 U.S.C. § 102(b) as anticipated by EP 0 489 237 ("Weihrauch"). Applicant respectfully submits that claims 1 to 5, 7 and 9 to 12 are patentable over Weihrauch for at least the following reasons.

Claim 1 relates to a wringing device for cleaning elements of wet and moist mops. Claim 1 recites that the wringing device has a liquid-permeable receptacle configured to be affixed to a container and to wring a cleaning element upon exertion of pressure. Claim 1 further recites that the wall parts at least prior to deformation are in the form of spring elements. Claim 1 has been amended to recite that the receptacle has deformable wall parts configured such that an inside width of the receptacle changes when the cleaning element is pressed in due to an effective compressive force of the pressure. Claim 1 has further been amended to recite that a portion of the spring elements facing an inside of the receptacle at least prior to

deformation having a convex curvature, which can be deformed by the compression force for enlarging the inside width.

Claim 12 relates to an apparatus for wet and moist mopping. Claim 12 recites that the apparatus includes a scrub mop with a mop head having liquid-absorbing strands, a mop bucket to accommodate cleaning liquid and a funnel-shaped receptacle that can be affixed to the mop bucket for squeezing out the liquid absorbed by the strands of the scrub mop. Claim 12 further recites that the receptacle has spring elements which form a tulip-shaped downwards tapering squeeze basket in which the mop head can be inserted from above and the liquid can be wrung out of the strands by compression. Claim 12 has been amended to recite that the spring elements are configured such that said compression enlarges an inside width of the receptacle. Claim 12 has further been amended to recite that a portion of the spring elements facing an inside of the receptacle has a convex curvature.

Weihrauch purportedly relates to a mop-wringing device. Weihrauch state that when a wet cleaning element is pressed in the mop-wringing device from above the base 5 of the receiver 3 is pressed downward according to arrow 10. See p. 8, lines 12 to 13. In this process, base 5 is stated to transfer tensile forces to the inner legs of wall parts 4. See p. 8, lines 13 to 15. In the area of crowns 8, these forces are stated to act as bending moments on the outer legs 7 of wall parts 4 so that these deform inward elastically. See p. 8, lines 15 to 17. The legs 8 of wall parts 4 are stated to be moved toward each other causing a decrease in the inner width of the insertion opening and a movement toward each other of the inner legs 9. See p. 8, lines 17 to 19.

Nowhere does Weihrauch disclose, or even suggest, spring elements configured such that a compression generated by a mop head enlarges an inside width of the receptacle, as recited in claim 1. As indicated above, the legs 8 of wall parts 4 are stated to be moved toward each other causing a decrease in the inner width of the insertion opening and a movement toward each other of the inner legs 9. See p. 8, lines 17 to 19. Further, Weihrauch does not disclose, or even suggest, a portion of the spring elements facing an inside of the receptacle having a convex curvature, as recited in claim 12. As can be seen in Figure 1, inner legs 9 extend in a straight line from crowns 8 to base 5.

To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). As more fully set forth above, it is respectfully submitted that Weihrauch does not disclose, or even suggest, spring elements configured such that a compression generated by a mop head enlarges an inside width of the receptacle, as recited in claim 1. Further, Weihrauch does not disclose, or even suggest, a portion of the spring elements facing an inside of the receptacle having a convex curvature, as recited in claim 12.

Additionally, to reject a claim under 35 U.S.C. § 102, the Examiner must demonstrate that each and every claim limitation is contained in a single prior art reference. See, Scripps Clinic & Research Foundation v. Genentech, Inc., 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991). Still further, not only must each of the claim limitations be identically disclosed, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed invention, namely the inventions of the rejected claims, as discussed above. See, Akzo, N.V. v. U.S.I.T.C., 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986). In particular, it is respectfully submitted that, at least for the reasons discussed above, the reference relied upon would not enable a person having ordinary skill in the art to practice the inventions of the rejected claims, as discussed above. Accordingly, the anticipation rejection as to the rejected claims must necessarily fail for the foregoing reasons.

To the extent that the Examiner is relying on the doctrine of inherency, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flows from the teachings of the applied art." M.P.E.P. § 2112 (emphasis in original); and see, Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). Thus, the M.P.E.P. and the case law make clear that simply because a certain result or characteristic may occur in the prior art does not establish the inherency of that result or characteristic. Therefore, it is respectfully submitted that Weihrauch does not anticipate

independent claims 1 and 12. Accordingly, withdrawal of the 35 U.S.C. §102(b) rejection and allowance of independent claims 1 and 12 is respectfully requested.

As for claims 2 to 5, 7 and 9 to 11, which ultimately depend on claim 1 and therefore include all of the limitations of claim 1, Applicant submits that these claims are patentable for at least the reasons provided above in support of the patentability of claim 1. Therefore, withdrawal of the 35 U.S.C. § 102(b) rejection and allowance of claims 2 to 5, 7 and 9 to 11 is respectfully requested.

IV. Rejection of Claim 8 Under 35 U.S.C. § 103 (a)

Claim 8 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Weihrauch and U.S. Patent No. 2,155,494 ("Kober"). Applicant respectfully submits that claim 8 is patentable over the combination of Weihrauch and Kober for the following reasons.

Claim 8 ultimately depends from claim 1 and further recites holding lugs (2) that are formed on the mounting frame (6) and are configured to affix the receptacle (1) to a rim of a mop bucket (11).

As indicated above, Weihrauch does not disclose, or even suggest, spring elements configured such that a compression generated by a mop head enlarges an inside width of the receptacle, as recited in claim 1. Nor does Kober cure the deficiencies of Weihrauch. Therefore, the combination of Weihrauch and Kober does not disclose all of the limitations of claim 8.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a prima facie case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). As stated above, the combination

of Weihrauch and Kober does not disclose, or even suggest, spring elements configured such that a compression generated by a mop head enlarges an inside width of the receptacle, as recited in claim 1, from which claim 8 ultimately depends. Therefore, the combination of Weihrauch and Kober does not render claim 8 obvious.

V. Allowable Subject Matter

Applicant notes with appreciation the indication of allowable subject matter contained in claim 6. In this regard, the Examiner will note that claim 6 has been rewritten herein in independent form to include all of the limitations of its respective base claim and any intervening claims. It is therefore respectfully submitted that claim 6 is in condition for immediate allowance.

VI. Conclusion

Applicant respectfully submits that all of the pending claims of the present application are now in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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